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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/662,251	09/15/2003	Fung-jou Chen	KCC-14,105.4	2418	
7590 12/07/2005			EXAMINER		
Pauley Petersen & Erickson			HILL, LAURA C		
Suite 365					
2800 West Higgins Road			ART UNIT	PAPER NUMBER	
Hoffman Estate	Ioffman Estates, IL 60195				
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DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Estensive time may be available under the provisions of 37 CPR 1.7816 co. 1 movemer, may a reply to limby flied  If NO period for reply is specified above, the maximum statutory period will apply and will expire \$1K (8) MONTHS from the mailing date of this communication.  Pallute to reply within the set or extended period for reply its specified above, the maximum statutory period will apply and will expire \$1K (8) MONTHS from the mailing date of this communication.  Pallute to reply within the set or extended period for reply its spatials, cause the application to become APANDOED (50 U.S.C. § 137).  Any reply received by the Office later than three mailing date of this communication, even if timely filled, may reduce any seemed period for remonstration and period the communication of the communication of the communication of the communication of the communication is FINAL.  2b) This action is FINAL.  2b) This action is non-final.  3) Is claim (s) 1-28 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 1-28 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  8) The specification is objected to by the Examiner.  4pplication Papers  9) The specification is objected to by the Examiner.  4pplication Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) Application and or request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) Al			_	_ Sp				
Examiner   Laura C. Hill   3761		Application No.	Applicant(s)	70				
Laura C. Hill 3761  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION Examination for many be available under the provisions of 37 CPR 1.75(b), in or event, however, may any by the intelligent of the provisions of 37 CPR 1.75(b), in or event, thosever, may any by the intelligent of the provisions of 37 CPR 1.75(b), in or event, thosever, may any by the intelligent of the provisions of 37 CPR 1.75(b), in or event, thosever, may any by the intelligent of the provision of 37 CPR 1.75(b), in or event, thosever, may any by the intelligent of 1915 (5) US. 6; 133 Failure to reply which the set or extended period for reply is periodical period for reply is periodical period for reply in 57 CPR 1.70(b) Failure to reply which the set or extended period for reply with periodical periodic reply with periodical peri	Office Action Summany							
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1)  Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DA</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	ATE OF THIS COMMUNICATE  (6) In no event, however, may a repairly apply and will expire SIX (6) MONTH  cause the application to become ABAI	ATION.  ly be timely filed  HS from the mailing date of this of NDONED (35 U.S.C. § 133).	,				
2a)  This action is FINAL. 2b) This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-28 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	Status							
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)								
, <u> </u>	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)							
	Paper No(s)/Mail Date	6) Other:						

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-17, drawn to an absorbent article, classified in class 604, subclass 383.
- II. Claims 18-19, drawn to an absorbent article, classified in class 604, subclass 378.
- III. Claims 20-28, drawn to an absorbent article, classified in class 604, subclass 385.23.

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the absorbent article of Group II does not require a central void or a central absorbent member disposed over the central void. The subcombination has separate utility such as an absorbent core for a bandage to wick other types of bodily fluids.

Inventions III and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP §

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806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because absorbent article of Group III does not require a central void or a central absorbent member disposed over the central void. The subcombination has separate utility such as an absorbent core for a bandage to wick other types of bodily fluids.

Inventions III and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the absorbent article of Group III does not require vertically oriented segments of hydrophobic material. The subcombination has separate utility such as a paper towel for wicking.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Nick Kottis on 28 November 2005 to request an oral election to the above restriction requirement, but did not result in an election being made since Applicant requested a written requirement be sent.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Laura C. Hill Examiner Art Unit 3761

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